IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:09-CT-3167-FL

JAMES JOSEPH OWENS,)	
Plaintiff,)	
v.)	ORDER
UNITED STATES OF AMERICA,)	
Defendant.)	

James Joseph Owens ("plaintiff") filed this action pursuant to the Federal Torts Claim Act, 28 U.S.C. § 2672, et seq. The matter is before the court on plaintiff's motion for reconsideration (DE #35). In this posture, the matter is ripe for adjudication. For the foregoing reasons, plaintiff's motion is DENIED.

Plaintiff requests that the court reconsider its March 14, 2011 decision to grant the motion to stay discovery and for court-hosted mediation filed by defendant the United States of America ("defendant"). As grounds for relief, plaintiff asserts that the court mistakenly stated in its order that plaintiff did not oppose defendant's motion, when he actually filed a response opposing defendant's motion on February 28, 2011. The court finds that plaintiff is correct in that he did file a response to defendant's motion on February 28, 2011.

The court has reviewed plaintiff's response, and finds that its original determination granting defendant's motion to stay discovery and for a court-hosted mediation is appropriate. In particular, the Eastern District of North Carolina Local Rule for Alternative Dispute Resolution ("ADR") 101.1a(c) provides the court with discretion to order a mediated settlement conference in any action

not automically selected for a mediated settlement conference. The court notifies plaintiff that Local Rule 101.1d(d)(1), requires that the individual parties in an action be physically present at the entire mediated settlement conference. E.D.N.C. Local Rule ("ADR") 101.1d(d)(1). Based upon the foregoing, plaintiff's motion for reconsideration (DE # 35) is DENIED.

SO ORDERED, this 18 day of March, 2011.

LOUISE W. FLANAGAN

Chief United States District Judge